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SERVICE DATE – NOVEMBER 29, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-290 (Sub-No. 240X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN  
GASTON COUNTY, NC

Decided: November 28, 2005

By decision served on December 9, 2003, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by Norfolk Southern Railway Company (NSR) of a 5-mile line of railroad, extending between milepost HG-47.0 at Gastonia and milepost HG-52.0 at Dallas (Gebo), in Gaston County, NC, subject to public use, environmental, and standard employee protective conditions.<sup>1</sup> The decision stated that, if consummation has not been effected by the filing of a notice of consummation by December 9, 2004, and there are no legal or regulatory barriers to consummation at that time, the authority to abandon would automatically expire. The deadline to file a notice of consummation was extended through December 9, 2005, by decisions served on December 1, 2004, and April 7, 2005.

Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. On November 21, 2005, NSR filed a request for an extension of time to file its notice of consummation until May 9, 2006. NSR states that it is still considering conveying the line to the North Carolina Railroad Company, as well as an interim trail use agreement with the City of Gastonia. NSR also notes that, while progress has been made on a plan for disposition of the line, the additional time period has proved insufficient for them to reach a final agreement. NSR states that it has recently undertaken some trenching and road closure work in anticipation of reaching an agreement and that the interested parties desire that this work be completed before any final agreements with respect to the disposition of the line are reached. NSR has shown good cause to extend the time to consummate the abandonment and for filing a notice of consummation in this proceeding. The extension request will therefore be granted.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

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<sup>1</sup> The public use negotiating period expired on June 6, 2004.

It is ordered:

1. NSR's request for an extension of time to file a notice of consummation is granted.
2. The authority to abandon must be exercised, and the notice of consummation of the abandonment must be filed, on or before May 9, 2006.
3. This decision is effective on its date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary